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Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Mexico*

Note by the Secretariat

The Special Rapporteur visited Mexico from 27 November to 4 December 2017, on an official joint mission with the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights. The mission was a follow-up to the joint mission conducted in 2010. The situation for journalists and for the practice of journalism in Mexico is one of acute danger, with severe consequences for individual journalists and their families and for the public's right to information. The Special Rapporteurs call on the Government to urgently remedy the shortcomings in the existing framework for the protection of journalists and to implement a broader, preventive strategy on the safety of journalists.

* The present document was submitted late to the conference services without the explanation required under paragraph 8 of General Assembly resolution 53/208 B.

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** Circulated in the language of submission and Spanish only.

I. Introduction

1. Pursuant to Human Rights Council resolution 34/18, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression undertook an official mission to Mexico from 27 November to 4 December 2017 at the invitation of the Government. The mission, conducted jointly with the Special Rapporteur for Freedom of Expression of the Inter-American Commission for Human Rights, Edison Lanza, was a follow-up to the 2010 joint mission by the Special Rapporteurs' predecessors, Frank La Rue and Catalina Botero. The Special Rapporteurs visited five states: Mexico City, Guerrero, Veracruz, Tamaulipas and Sinaloa.

2. The Special Rapporteurs are grateful to the Government for its invitation and cooperation and for facilitating government meetings. The Special Rapporteurs met, at the federal level, with the President of the Supreme Court; the Undersecretary for Multilateral Affairs and Human Rights of the Ministry of Foreign Affairs; the Undersecretary for Human Rights of the Ministry of the Interior; the head of the Federal Telecommunications Institute; the Chairperson of the National Human Rights Commission; the head of the National Council for the Prevention of Discrimination; a councillor of the National Electoral Institute; the Office of the Assistant Attorney General for Human Rights, Crime Prevention and Community Services; the Office of the special prosecutor for offences committed against freedom of expression; the National Protection Mechanism for Human Rights Defenders and Journalists; the National Security Commission; the army; the navy; members of the Senate; members of the Chamber of Deputies; the National Institute for Transparency, Access to Information and Personal Data Protection; and the Executive Commission for Victim Support. Additionally, at the state level, the Special Rapporteurs met representatives of the governments of Mexico City, Guerrero, Sinaloa, Tamaulipas and Veracruz; the Offices of the Attorneys General of the States of Mexico City, Guerrero, Sinaloa, Tamaulipas and Veracruz; the Human Rights Commissions of Mexico City; Guerrero and Veracruz; and the Veracruz State Commission on Attention and Protection of Journalists.

3. The Special Rapporteurs met with over 250 journalists and civil society representatives from 21 different states. They would like to thank all the authorities, journalists, civil society representatives, victims and victims' relatives who met with them, providing detailed information and powerful testimony about the situation for freedom of expression in the country. The Special Rapporteurs would like to remind the State of its obligation to guarantee the safety of all persons and organizations that participated in meetings and provided information, testimony or evidence of any kind during the course of the mission.

4. The Special Rapporteurs also met with media outlets and representatives of diplomatic missions, and greatly appreciate the support and assistance provided by the Office of the United Nations High Commissioner for Human Rights in Mexico, whose team exemplify why it is essential for the Office to have expert and committed staff at the country and regional levels.

5. Mexico faces a profound security crisis that severely affects the human rights of its people. At the heart of the crisis is a breakdown in the rule of law and governance at the local level across the country, simultaneously leading to and exacerbated by murders, disappearances and torture. The suffering is widespread, yet the violence has often singled out those most essential to telling the story of conflict and insecurity, corruption and criminality: journalists. Such violence seeks to undermine public debate and civic participation, and constitutes a widespread attack on the roots of democratic life in Mexico, at the local, state and national levels. During the mission, the Special Rapporteurs heard repeated stories of killings and disappearances, physical and ps; chological attacks on the media, and other forms of interference designed not only to harm individual journalists, but also to limit the public's right to know.

6. Any fair-minded assessment must acknowledge that addressing such violence is not simple. Organized crime has deeply infiltrated the public life of the country, especially at

the levels of states and municipalities, as the Special Rapporteurs heard from dozens of government officials, journalists and non-governmental organizations repeatedly throughout the mission. In addition to using violence in all its forms, criminal actors and public authorities attempt to co-opt journalists for their purposes and coerce them into disseminating information favourable to the criminal groups or damaging to the groups' opponents. Organized crime has created hybrid ways to interfere with journalism, generating division and distrust among journalists and between journalists and local officials. Some regions of the country are "silenced zones", or highly dangerous areas for the exercise of freedom of expression, where journalists are not only limited regarding what they can publish, but are also forced to publish messages from criminal groups.

7. The pervasive assault on journalists and journalism presents the most immediate and challenging threat to freedom of expression in Mexico today. However, that does not preclude consideration of other factors, for there is a broader environment in which significant challenges to press freedom and individual expression persist. In part, this environment is characterized by a historic transition from past authoritarian practices in government to emerging political pluralism and demands for democratic standards. That transition has not done away with the problematic and intimidating practices of the past, such as the Government's expectations of positive coverage by media outlets when it buys advertising space; the dismissal of critical journalists by media outlets at the demand of the authorities; and the lack of pluralism in media ownership and the editorial line of the media system. Well-documented examples of the digital surveillance of journalists and human rights defenders, among others, seem to be both a relic of the approaches of the past and an example of the challenges journalists face in the digital age.

II. Legal framework

International legal standards and domestic legal framework

8. Article 19 (1) of the International Covenant on Civil and Political Rights, acceded to by Mexico on 23 March 1981, guarantees everyone's right to hold opinions without interference. Article 19 (2) protects everyone's right to seek, receive and impart information and ideas of all kinds, regardless of frontiers, through any media. In accordance with article 19 (3), any restriction imposed on this right must be provided by law and be necessary and proportionate to protect the rights or reputations of others, national security or public order, or public health and morals.

9. Mexico is also party to the American Convention on Human Rights, which guarantees freedom of expression, including the right to information, in its article 13. Article 13 (2) provides that freedom of expression must not be subject to prior censorship but must be subject to subsequent imposition of liability, which must be provided by law, pursue a legitimate aim and be necessary and proportionate to achieve that goal. Article 13 (3) provides that the right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions.

10. The Constitution of Mexico recognizes the country's international human rights obligations, stating that all persons are to enjoy the human rights recognized in the Constitution and in international treaties to which the Mexican State is a party (art. 1). In July 2011, a constitutional reform established the obligation to comply with international human rights law in state and federal law-making and adjudication (arts. 1 and 133). The reform requires that on occasions where there is contradiction between the Constitution and international human rights treaties, the norm most favourable to the protection of the person must be applied. The process of harmonizing domestic legislation with this constitutional advance has been slow. The Special Rapporteurs strongly recommend that new legislation be adopted and that existing legislation be revised to comply with the constitutional reform.

11. The Constitution of Mexico provides for the comprehensive protection of the right to freedom of expression in articles 6 and 7. Constitutional amendments in 2015 sought to elaborate and strengthen the legal protections available for freedom of expression.

12. The Constitution establishes that government authorities have the obligation to promote, respect, protect and guarantee human rights in accordance with the principles of universality, interdependence, indivisibility and progressiveness. It also highlights that the State must prevent, investigate, punish and redress human rights violations established by law (art. 1).

13. In 2012, a law on the protection of human rights defenders and journalists was adopted, creating the National Protection Mechanism for Human Rights Defenders and Journalists. During their mission, the Special Rapporteurs learned that nine states had enacted similar legislation at the state level, and that 15 initiatives were currently being considered. However, many of the laws include a restrictive definition of "journalists" that may exclude them from protection or from statistics concerning attacks against journalists. The Special Rapporteurs welcome the comprehensive definition provided in General Recommendation No. 24 of the National Human Rights Commission, which encompasses anyone who collects, generates, processes, edits, comments on, expresses, disseminates, publishes or provides information through any means of dissemination or communication, whether in a temporary or permanent manner, including broadcasters, media outlets and their facilities, and their workers. The Special Rapporteurs urge all authorities at the federal and state levels to comply with this definition.

14. A country's legal framework must guarantee the exercise of freedom of expression and ensure against arbitrary or disproportionate restrictions. During the mission, the Congress of the Union was considering several pieces of legislation, of which the Special Rapporteurs took note.

15. A bill on internal security was approved by the Senate the day after the official mission and signed into law by the President on 21 December 2017. Further to protests by civil society and a formal request by a number of institutions, that law is now under review by the Supreme Court. In addition, according to information provided by the State, local judges in Guanajuato and Mexico City ruled the law unconstitutional in two separate proceedings. The authorities have justified the law by arguing that it is a critical tool to combat drug-related violence and that it would lead to a regulation of the use of the Armed Forces within a legal framework. The Special Rapporteurs are concerned about provisions that could have a negative impact access to information, the level of oversight for intelligence gathering, and the use of force during demonstrations.

16. Granting the Armed Forces power to gather domestic intelligence raises serious concerns about the limitations on civilian and judicial oversight as required by international standards. The law appears to permit the automatic classification of information gathered by the Armed Forces on national security grounds. The Special Rapporteurs note with concern that the law detracts from the progress achieved in the past 15 years in relation to transparency and access to information. It also runs counter to the authority of the National Institute for Transparency, Access to Information and Personal Data Protection to ascertain what information should be protected for national security purposes. It may prevent the disclosure of information relating to serious human rights violations, contradicting standards on the right of victims to the truth and access to information. The law also contains ambiguous wording on the role of the Armed Forces in the context of social protests and the use of force against "acts of resistance". These provisions may open the door for the Armed Forces to carry out policing functions, with their own set of rules regulating the use of force in the context of social protests.

17. The Special Rapporteurs welcome the abolition of criminal defamation at the federal level in 2007. However, criminal defamation continues to exist at the state level in five states, while five others maintain other types of crimes against honour in their penal codes. The Special Rapporteurs call on the authorities in these states to take steps to repeal such provisions in order to bring their legal frameworks into line with the national and international framework. In addition, civil defamation is used to pressure journalists, often in lawsuits brought by public officials. Several journalists throughout the country have

faced frivolous lawsuits demanding that they pay exorbitant amounts of money to compensate for alleged damage caused in relation to their reporting. The lack of regulations on the use of frivolous lawsuits may deter journalists from conducting rigorous public interest reporting. The Special Rapporteurs call on the legislative and judicial branches to ensure that this practice will be regulated, either through laws sanctioning strategic lawsuits against public participation or the adoption of criteria for judges to be able to exclude frivolous claims after careful consideration. In this context, the Special Rapporteurs are concerned by the amendments proposed for the federal law on telecommunications and broadcasting (art. 304) and the Federal Criminal Code (art. 172 ter). If adopted, these amendments could restrict freedom of expression in ways that are incompatible with international human rights law.

III. Attacks on journalists

18. Attacks on journalists, in the context of generalized violence, require a targeted form of recognition, attention and response. Since the previous mission in 2010, Mexico has put in place legislation and institutions at the federal and state levels dedicated to the protection of journalists. The Special Rapporteurs welcome these advances, among which are the Office of the Special Prosecutor for Offences Committed against Freedom of Expression, established in 2010 to conduct criminal investigations and prosecutions; the National Protection Mechanism for Human Rights Defenders and Journalists, established in 2012 to provide protection and implement preventive measures; and the Executive Commission for Victim Support, established in 2014 to promote victim support. Several states have recently implemented similar mechanisms.

19. Physical threats and intimidation constitute the most widespread form of attack against journalists. In addition, physical attacks and kidnappings are common forms of aggression. The Special Rapporteurs also found examples of stigmatization, discrimination and poor working conditions, which exacerbate the vulnerability of journalists. Digital attacks against journalists and their sources, social media harassment and unsupervised secret surveillance have emerged as new and troubling challenges. In addition, structural obstacles within the judiciary and government institutions often prevent journalists from seeking redress, which may lead to a revictimization of journalists subject to intimidation. Journalists and media owners voiced their concern regarding the Government's use of the law and legal proceedings as tools to harass and to silence critical reporting, for example by conducting unsubstantiated tax audits and bringing groundless criminal and civil suits. In many cases, attacks are not reported owing to fear that the situation may worsen, or simply because of mistrust.

A. Murder and other physical assaults and threats against journalists

20. There is no single system that collects data on attacks against journalists, and the criteria and methodology for obtaining such data differs between and among federal and state institutions. Data gathered by the National Human Rights Commission present a catastrophic picture concerning the situation of journalists in Mexico. Since 2010, the Commission has registered 73 killings, 12 enforced disappearances and 44 attempted killings of journalists. Since 2006, it has registered 52 attacks against media outlets. In 2017, at least 12 journalists were registered as killed. They are Cecilio Pineda, Ricardo Monlui, Miroslava Breach, Maximino Rodríguez, Filiberto Álvarez, Javier Valdez, Salvador Adame, Héctor Jonathan Rodríguez, Cándido Ríos, Juan Carlos Hernández, Edgar Daniel Esqueda and Gumaro Pérez Aguilando. In 2018 up to the time of the writing of the present report, five journalists were killed: Carlos Domínguez, Pamela Montenegro, Leobardo Vázquez, Juan Carlos Huerta and Alicia Díaz. One journalist, Agustín Silva, remains missing. Many of the attacks were carried out against journalists reporting on corruption, drug trafficking, the collusion of public officials with organized crime, police violence and matters related to elections.

21. The kidnapping of journalists continues to be a widespread form of aggression, and is often used as a form of intimidation to scare off those intending to investigate and report

on certain issues. In the majority of cases, the journalist is later found to have been killed. Despite the recently approved general law on enforced disappearances and the existence of a specialized investigation protocol on the matter, there are delays in launching investigations, even when the suspects are identified. The Special Rapporteurs call on the authorities to make it a priority to immediately begin investigations into such cases.

22. The internal displacement of journalists has become a major feature of the national situation. Though data does not indicate the numbers of displaced journalists nationwide, the Special Rapporteurs found that many go to Mexico City, while some are displaced in other states, or even other countries. Many leave their families behind and are unable to find employment. The Special Rapporteurs learned from journalists who are subject to protection measures that such measures are often inadequate and do not sufficiently take into account their family situation. Internally displaced journalists have been killed in their state of refuge. No comprehensive strategy protects displaced journalists, let alone one that ensures safe return or adequate relocation. Many journalists also avoid filing claims for protection out of fear that this will put them at further risk. Few receive assistance from local authorities, and temporary measures generally seem insufficient. All of these problems also apply to the families of journalists. The lack of coordination among and between federal and state-level authorities means that inadequate attention is given to victims' health situation, the educational needs of their children and their employment situation, leaving them in a constant state of insecurity. As a result, many journalists do not see displacement as a realistic alternative and many simply avoid filing claims for protection.

23. In this connection, the Special Rapporteurs welcome the report and recommendation issued by the National Human Rights Commission on internally displaced persons in Mexico and urge the Government to implement its recommendations.[1]

24. Mexico has a strong tradition of social protest. With elections scheduled to take place simultaneously at the national, state and municipal levels in July 2018, making them the most extensive in the country's history, special attention should be given to ensuring that persons can assemble and protest without risk to their personal integrity and life or disproportionate bureaucratic requirements, and that police forces are adequately trained in controlling large gatherings. The adoption, both by the Federal Police and by the Mexico City authorities, of protocols on the use of force, including in the context of protests, is a welcome development. However, certain aspects of these protocols, and a series of bills and laws that have been presented at federal and state levels (including in Jalisco, Mexico City, Quintana Roo and San Luis Potosí), raise serious concerns. In particular, these regulations have provisions that allow for the use of lethal weapons in close proximity to protests, impose a series of administrative hurdles that de facto restrict the rights in question, and increase penalties for those who commit certain offences within the context of protests. These aspects must be reviewed as a matter of urgency, to ensure conformity with international human rights standards.

25. The Special Rapporteurs underline the importance of journalism in the context of elections, in particular as it is a condition for ensuring the public's right to information and their subsequent political participation in the electoral process. As a result of this function, journalists are affected by competing interests and are likely to become targets of threats and physical attacks by both political and non-State actors. The Special Rapporteurs call on the Government to publicly encourage the full and efficient disclosure of information to journalists covering the electoral process, and to adopt a specific strategy to ensure their safety during this process.

[1] General Recommendation No. 39 of 2017. The Special Rapporteurs further recognize the importance of the work that the Commission has carried out to address the situation of internally displaced persons in Mexico, including its special report on forced internal displacement of 2016; the preparation and publication of a protocol for the support and protection of victims of forced internal displacement in Mexico in 2017; an international forum regarding forced internal displacement in August 2017; and a national declaration regarding forced internal displacement of August 2017.

B. Specific risks faced by women and indigenous journalists

26. In the context of severe violence and insecurity in general, many journalists face additional vulnerabilities in their work because of their gender or ethnicity. There is no centralized data on attacks against indigenous journalists. The Special Rapporteurs note that community journalists and journalists belonging to indigenous groups are often the only conveyors of information to their communities, and have the additional function of reporting in their own language and drawing attention to cultural and social issues in their communities that would not otherwise be covered by the media. They often face harassment and stigmatization on the part of public officials, and are subject to particularly difficult conditions, since they work in remote areas, with few resources and rudimentary equipment. They often find themselves working in regions where extraction industries are based, with additional threats and restrictions imposed by non-State actors, sometimes in cooperation with the local authorities.

27. While Mexico played a leading role in the drafting of the United Nations Declaration on the Rights of Indigenous Peoples, the reality faced by indigenous journalists falls short of the commitments made at the international level. Indigenous journalists reported to the Special Rapporteurs their experiences of racial discrimination, often in conjunction with physical threats, and a general lack of access to justice due to distance, a lack of adequate legal assistance, language barriers and fear of reprisals. Many cases of attacks against indigenous journalists are not reported to the authorities. The Special Rapporteurs underline the urgency of considering the specific needs of indigenous journalists at the state and federal levels, including under the National Protection Mechanism for Human Rights Defenders and Journalists and the law on the protection of human rights defenders and journalists.

28. Women journalists face specific threatening environments. There is no centralized data on attacks against women journalists. In the State of Guerrero, members of civil society reported that they had registered at least 23 cases of serious aggression against women journalists since 2014. Online harassment expands the scope of threats against women, and yet several organizations reported a lack of public documentation of online violence against women journalists. Women journalists reported harassment, often by public authorities, and sometimes even physical attacks by police or public security officers during their reporting. Additional vulnerabilities result from their activities relating to investigative journalism, and the fact that they are often paid less than their male colleagues. While there are many women reporters, they continue to hold a minority of editorial positions. Many women journalists reported to the Special Rapporteurs particularly threatening or infantilizing meetings with male public authority figures.

29. Moreover, the lack of a gender perspective in relation to investigations, prosecutions and protection means that inadequate attention is given to the specific nature of the situation of women journalists. The Special Rapporteurs note that in 2012, in its concluding observations on the seventh and eighth periodic report of Mexico (CEDAW/C/MEX/CO/7-8), the Committee on the Elimination of Discrimination against Women recommended that the National Protection Mechanism for Human Rights Defenders and Journalists and the law on the protection of human rights defenders and journalists include a gender approach and that the authorities take concrete, adequate and effective measures to prevent, investigate, prosecute and punish attacks and other forms of abuse perpetrated against women human rights defenders and journalists.

IV. Institutional framework for the protection of journalists

30. The systematic and multifaceted nature of the violence described above demands the strengthening of national institutions responsible for fulfilling State obligations for the protection of journalists, and the implementation of a set of urgent, comprehensive and coherent strategies for prevention, protection and accountability.

A. Protection of journalists

National Protection Mechanism for Human Rights Defenders and Journalists

31. With a significant contribution from Mexican civil society, the Government adopted in 2012 a law on the protection of human rights defenders and journalists, which created the National Protection Mechanism for Human Rights Defenders and Journalists, the most important public policy for the protection of journalists in Mexico. Since its creation, the Mechanism has provided protection for at least 310 journalists, of a total of 370 who have requested such protection.

32. The Government has taken important steps to strengthen the Mechanism's operation and effectiveness and to implement recommendations made by civil society and experts in the field, which has helped to build confidence among beneficiaries and journalists. However, many challenges have yet to be adequately addressed. Coordination between the Mechanism and local authorities to ensure the implementation of preventive and protective measures continues to be a challenge. The Special Rapporteurs welcome the adoption in 2017 of a protocol to standardize operational procedures and facilitate coordination. The Government should ensure that local personnel are trained on how to perform their duties under the protocol and fully understand the importance of the role of journalists in a democratic society. The Government should work to strengthen the federal Mechanism more than state-level mechanisms, not only to ensure effective coordination with local authorities, but also to enable it to operate locally in a sustainable way. Coordination between the Mechanism and other federal agencies and national institutions, such as the Office of the State Attorney General, the Executive Commission for Victim Support and the National Human Rights Commission, should also be strengthened. In particular, the fulfilment of the Attorney General's responsibility to ensure that the risks facing beneficiaries are identified and duly investigated should be seen as an essential aspect of any protection programme.

33. Risk assessment methodologies should feature a differentiated approach that takes into consideration the specific risks facing certain groups of journalists, including women and indigenous journalists. The Government should take further steps to include the digital safety of journalists in risk assessments conducted by the Mechanism and to provide, when appropriate, digital protection measures, including the secure management of personal communications data. Additionally, physical attacks perpetrated by State officials and other forms of institutional violence against journalists (i.e. discrediting campaigns and criminalization) should be effectively addressed by the Mechanism.

34. The Mechanism lacks sufficient resources to fully perform its mandate. It needs resources to significantly increase its staff; to protect its staff and ensure their retention; to ensure the timely analysis of threats; and to train its personnel on gender- and indigenous-specific issues. The Mechanism should be provided with the resources necessary to deliver comprehensive psychological support to displaced journalists and their families. It should provide support to enable journalists to continue working in their new locations, and should pursue strategies to enable the return of journalists under the necessary security conditions. An ambitious government effort to increase the Mechanism's capabilities and budget would serve the goal of ensuring better protection and demonstrate the political will to make journalist safety a national priority.

35. International law requires that the Mechanism be transparent to ensure that its efficacy is subject to oversight and to promote trust among stakeholders, subject to limitations narrowly defined for legitimate purposes such as the protection of the privacy and safety of affected individuals. The Mechanism should, at a minimum, be transparent about its legal framework, its rules and procedures, its risk assessment policies, its budget (allocated and spent) and all data necessary to monitor implementation. Restrictions on information should not be applied in a way that shields the Mechanism from oversight or conceals wrongdoing.

The role of media companies

36. Very few journalists under threat suggested that their media employers offered sufficient, if any, support. The Special Rapporteurs hope that media support will increase, and urge media companies to urgently improve working conditions and to provide support — ideally in the form of permanent or freelance work — to journalists displaced in their cities. They stress that the role of media companies complements, but in no way replaces, the State obligation to prevent crimes against journalists and to ensure their safety.

37. The Special Rapporteurs reiterate their support for a recent solidarity protocol presented by 39 media outlets, which recognizes the role of the media in advocating for protection and accountability in relation to crimes against journalists, and ensuring adequate capacity-building schemes, social security, fair salaries and life insurance policies for journalists whose coverage implies an obvious risk.

Collective self-protection initiatives

38. The importance of solidarity extends to the journalists themselves. The Special Rapporteurs observed how journalists and civil society organizations were able to work in networks to demand justice, advocate for advances in government protection, share best practices, and establish their own collective protection schemes. The current context fuels mistrust among journalists and hinders solidarity and collaboration among peers. The Special Rapporteurs especially welcome collective self-protection efforts in which journalists, informal groups and civil society organizations cooperate to identify, register, analyse and prevent threats.

39. During their meetings with journalists, the Special Rapporteurs realized that, in many cases, it was the intervention of informal groups of journalists that allowed colleagues at risk to discover different possibilities for protection and prosecution. Such groups play a fundamental role in sharing tools and strategies for self-protection. It is important that the authorities recognize the importance of these structures and contribute to their strengthening.

B. Prevention of attacks against journalists

40. The Special Rapporteurs emphasize the importance of a comprehensive policy to combat violence against journalists, including the adoption of prevention measures to address its root causes and promote an enabling environment for freedom of expression.

41. The Special Rapporteurs welcome the adoption by the National Protection Mechanism for Human Rights Defenders and Journalists of early warning systems for Veracruz and Chihuahua. Nonetheless, the existence of these plans did not deter subsequent journalist killings in Veracruz and Chihuahua during 2017. The actions taken to date, especially in Veracruz, are insufficient to generate the changes that the current situation requires. The Special Rapporteurs encourage the Government of Mexico to strengthen its efforts to ensure preventive measures, consistent with its international obligations and taking into account the specific nature of the risks and the particular contexts, such as the security situation in conflict zones, during election periods and at public demonstrations. The contingency plan established for Chihuahua, if developed properly and in a transparent manner, has the potential to become one of the best practices in the region in terms of prevention measures for human rights defenders and journalists.

42. Prevention also implies ensuring journalists' ability to contribute effectively to public debate without being subject to criminal prosecution or civil lawsuits. Therefore, it is important that the Mechanism assume a leading role in the promotion of legislative initiatives to combat censorship, in line with its mandate and capabilities.

C. Accountability for crimes against journalists

43. The Special Rapporteurs found that Mexico had made little, if any, progress in eradicating impunity since 2010. The impunity for killings and other attacks against

journalists has been documented by government institutions and civil society organizations, which suggest that at least 99.6 per cent of these crimes remain unsolved. It is unconscionable that the Government of Mexico has continued to fail to fully investigate these crimes and prosecute those responsible. During the mission, the Special Rapporteurs heard several stories that revealed the significant levels of fear and self-censorship among journalists and their communities, caused by impunity and the profound lack of trust in the public authorities to ensure justice and protect the rule of law.

44. The Special Rapporteurs recognize that, at the federal level, legal and institutional reforms were implemented to strengthen the authority of the Office of the Special Prosecutor for Offences Committed against Freedom of Expression to investigate and prosecute these crimes. They were informed about recent efforts made to improve the Office's capacity to perform its mandate, including the appointment of a new special prosecutor, the adoption an investigation protocol, the reinforcement of investigation strategies and training, the reorganization of the office's internal structure, the improvement of communication with victims and increased coordination with local authorities. They were also informed of actions recently taken by the Office and local prosecutors to bring to justice public officials involved in cases of harassment and attacks against journalists. The Special Rapporteurs welcome the Office's decision to exercise jurisdiction regarding the investigations of the murders of journalists Javier Valdez and Miroslava Breach in 2017.

45. However, the fact remains that over the past eight years, the Office has not been able to contribute in an appreciable way towards ending impunity in Mexico and rebuilding public confidence. The Special Rapporteurs are particularly concerned by the complete lack of progress in investigations concerning the disappearance of journalists and in most emblematic cases of journalist killings.[2] According to official data, of the 84 journalist killings committed in Mexico since 2010, the Office declined to exercise jurisdiction in 37 cases, finding they were not motivated by the journalistic activities of the victims. As for the 47 crimes in relation to which the Office found a link to the victims' journalism work, 28 investigations are pending, 16 investigations have been closed or suspended, and criminal prosecutions have been launched in only 3 cases. Throughoutthese years, the Office's human and material resources have been inadequate. Since 2014, its budget has been reduced by more than 50 per cent, undermining even modest attempts to carry out its legal mandate.

46. Journalists, victims, civil society organizations and the National Human Rights Commission led the Special Rapporteurs to conclude that the Office lacks effective investigative plans, does not exhaust all lines of inquiry, does not identify all individuals responsible for the crimes, including masterminds and accomplices, and does not analyse the context in which the crimes take place, particularly the situation regarding politics and organized crime at the local level and other local realities. The Special Rapporteurs learned about the failure to protect the security of witnesses and effectively collect and retain police and forensic evidence. They learned with great concern about ineffective investigations into threats against and harassment of journalists online and offline, stalled by burdensome legal requirements such as psychological examinations of the victims and a lack of real coordination between the protection mechanisms. They also learned about obstacles to the participation of victims in investigations, and stigmatization. The Office has not included a gender perspective in its work to better deal with crimes against women journalists, which often go unreported as a result of discrimination. The Special Rapporteurs are also concerned about the institution's failure to use its legal power to assert jurisdiction over cases relating to the killing, kidnapping or disappearance of journalists in states with the highest levels of violence and impunity.

[2] According to information provided by the State, investigations are still pending regarding the killings and disappearances of Roberto Mora (2004), Bradley Roland Will (2006), José Antonio García (2006), Armando Rodríguez, (2008), Mauricio Estrada Zamora (2008), José Vladimir Antuna (2008), María Esther Aguilar Casimbe (2009), Ramón Ángeles Alpa (2010), Pedro Argüello and Miguel Ángel Rodríguez (2010), José Luis Romero (2010), Fabián Ramírez López (2010) and Humberto Millán (2011).

47. At the local level, journalists expressed profound distrust in local authorities in charge of investigations, many of which are believed to have colluded with organized crime. In meetings with the Special Rapporteurs, several local journalists expressed fear and frustration with regard to local judicial authorities and emphasized that filing claims before them was "useless" and would only increase their risks.

48. Given the severity and scale of the current crisis and the lack of independence of many local authorities, the Special Rapporteurs believe that it is imperative for government authorities to strengthen the Office's use of its legal authority to investigate crimes against journalists, prosecute perpetrators and adopt far-reaching measures to end impunity. To that end, the Office should be provided with all the necessary human, material and financial resources to implement its mandate. Investigators and law enforcement officials should be appropriately equipped and receive specialized training in all aspects of the investigation of crimes against freedom of expression. Clear and objective criteria for the Office's authority to carry out investigations of crimes against journalists that do not fall within its "original jurisdiction" should be established, in order to prevent the undermining of criminal investigations by unreasonable delays and confusion over jurisdiction. This is particularly important with regard to the investigation of killings and disappearances of journalists. In such cases, the Special Rapporteurs call on the Office to effectively exercise its jurisdiction whenever it appears that local authorities or powerful criminal gangs are involved and the capacity of state-level law enforcement authorities to conduct an independent and impartial investigation is reasonably questioned. Moreover, the Office should adopt a specific protocol that outlines the principles and legal obligations of those in charge of investigating crimes against freedom expression and sets a common standard for conducting prompt, diligent, independent and transparent investigations into such cases, consistent with international standards and in consultation with civil society.[3] The Office must also be able to perform all of its duties without intimidation, harassment or improper interference from government authorities or third parties. The enactment of long-overdue legislation that establishes an autonomous, transparent and effective national public prosecutor's office should provide guarantees for the Office to operate with independence institutionally and in practice, thus improving public perception in that regard.

49. The judiciary should play a central role in combating impunity. The Special Rapporteurs stress that, in addition to being independent and impartial, the judiciary should be equipped with appropriate material and human resources and training to provide, within a reasonable time, access to justice and reparation to victims.

50. The Special Rapporteurs are particularly concerned about the lack of mechanisms to monitor the progress of investigations and the effectiveness of accountability measures in place. Such mechanisms can draw attention to failures, and suggest remedial action, where necessary. Oversight can be greatly increased through the improvement of criminal statistics on violence against journalists and the criminal prosecution of these crimes. Mexico should guarantee, in law and practice, that public officials who do not meet their legal obligations to duly investigate crimes against journalists are subject to sanctions.

[3] The protocol should be able to provide detailed guidance to investigators on all aspects of the investigative process, necessary to pursue lines of inquiry related to the journalistic activities of victims. This may include specific guidance on conducting a crime scene investigation and collecting physical evidence; finding, interviewing and protecting witnesses; collecting digital evidence; evaluating political and social contexts; identifying a motive for the crime; and facilitating international technical assistance. The protocol should include policies concerning the protection of journalistic sources during the investigation. It should familiarize investigators with the functional definition of journalist set out in national legislation and international standards, so as to prevent the stigmatization and exclusion of non-traditional media journalists, such as bloggers and citizen journalists. It should also offer concrete guidance on how to identify and conduct thorough investigations of sexual and gender-based crimes against journalists. Lastly, it should include policies regarding the participation and protection of victims, the transparency of the investigations and the oversight mechanisms available to ensure that the Office meets its goals and responsibilities.

51. The Special Rapporteurs urge the Government of Mexico to replace the paradigm of impunity with one of effective investigation, prosecution and monitoring, consistent with its international obligations.

V. Surveillance of journalists, public figures and others

52. A series of well-documented reports in 2017 demonstrated that the Government of Mexico and a number of state governments had purchased or deployed software designed to monitor individuals through their mobile phones. Those reports have shown, compellingly, that targets of the Pegasus spyware produced by Israeli firm NSO Group have included, among others, politicians, journalists, human rights defenders, lawyers, public health and anti-corruption experts, and even the international body established to investigate the mass disappearances of students in Iguala in 2014.

53. The Special Rapporteurs met with victims of surveillance and attempted surveillance in order to understand the way in which the use of the technology threatened their work and sense of safety. Indeed, surveillance technology has profound implications for the exercise of freedom of expression, undermining the ability of individuals to share or receive information and establish contacts with others. It creates incentives for self-censorship and directly undermines the ability of journalists and human rights defenders to conduct investigations and build and maintain relationships with sources of information. Only under the very strictest rules in the context of law enforcement, which should be publicly available and publicly adopted, operate on the basis of necessity and proportionality and provide for close judicial supervision, should surveillance ever be an option for governments.

54. In June 2017, President Peña Nieto acknowledged that the Government had purchased software providing it with the capacity to conduct digital surveillance. Though he denied that the Government ordered the use of Pegasus, the Government thereafter initiated an internal investigation led by the Office of the Special Prosecutor for Offences Committed against Freedom of Expression. In the Special Rapporteurs' discussions with the Office, they learned that the Office had initiated that investigation, aiming to identify government purchasers and review individual targets of surveillance. One state government official in Guerrero, when asked by a Special Rapporteur about allegations of the purchase and use of Pegasus, denied such activity categorically.

55. The Special Rapporteurs are concerned that the Office, despite its good faith effort, lacks the independence to investigate this very serious issue. Indeed, the Office of the State Attorney General, of which the Office of the Special Prosecutor for Offences Committed against Freedom of Expression is part, is alleged to be one of the purchasers of Pegasus. In July 2017, United Nations experts, including the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, called on Mexico to establish an independent and impartial investigation into the deployment of Pegasus. The Special Rapporteur reiterates that call. The Special Rapporteurs underline that any investigation should be conducted independently of the federal and state governments alleged to have purchased or used the spyware and should involve experts from academic and civil society organizations, potentially including those from outside of Mexico. Such a step would demonstrate an understanding of the principles of due process and rule of law that must govern law enforcement in a democratic society. In the meantime, any ongoing investigation must respect the rights of targets of surveillance, including their security and privacy. It must also comprehensively examine and question all potential purchasers and users of Pegasus and any other potential spyware products, and all sources of information that may demonstrate the use of the spyware, and regular public updates must be provided on the status of the investigation. In this connection, the Special Rapporteurs strongly support the order given by the National Institute for Transparency, Access to Information and Personal Data Protection on 31 January 2018 to the Office of the State Attorney General to make public the contracts related to the acquisition of the Pegasus spyware.

VI. Access to information

56. Mexico has an admirable legal and institutional framework for the protection and promotion of access to information held by public authorities, an essential element of freedom of expression. A general law on transparency and access to public information entered into force in May 2015. In discussions with the National Institute for Transparency, Access to Information and Personal Data Protection, the public authority responsible for implementing the country's access to information laws and commitments, the Special Rapporteurs were impressed with the institution's knowledge and its commitment to ensure proactive access and transparent and accessible processes for requesting information.

57. In discussions with civil society organizations, the Special Rapporteurs learned of significant concerns about how information is accessed in the context of allegations of serious human rights violations. Researchers appear to have difficulties obtaining full information, with significant amounts of data redacted and no reasons given for non-disclosure. Adding to this problem is the lack of accessible government data concerning such crimes as disappearances, and of information in the languages of indigenous communities.

58. Experts voiced particular concern regarding article 27 of the federal law on national archives, which allows for historical documents to be kept confidential for 30 or 70 years on the grounds of data protection. According to the information received, this provision has been used by the authorities to withhold or redact the names of public officials and other information concerning past abuses and serious human rights violations in ways inconsistent with the requirement of necessity and proportionality. A bill to reform the national archives legislation, approved by the Senate in December 2017, maintains these restrictions. The Special Rapporteurs urge Congress to review the proposed legislation to ensure compliance with international human rights standards. The public has the right to access historical archives, including those regarding human rights violations.

59. In the wake of the earthquake in September 2017, government and civil society organizations were given the opportunity to test access-to-information mechanisms in real time during natural disasters. Many organizations expressed dissatisfaction about speed and reliability and the lack of information available before and after the earthquake. As far as the Special Rapporteurs understand, the country lacks a publicly available national register of people missing during natural disasters — in spite of the recent adoption of a general law on enforced disappearances — and a database that collects information about damage, which is needed to provide access to information during rebuilding and to ensure accountability. The Special Rapporteurs strongly urge the Government to work with civil society to identify gaps in the information available to all individuals in the context of natural disasters.

VII. Media diversity

60. Democratic societies depend in part on the access individuals have to diverse sources of news, opinion, ideas and debate. The Special Rapporteurs' predecessors noted in 2010 that the media environment in Mexico lacked some of the necessary elements of diversity and pluralism (A/HRC/17/27/Add.3, para.78). They noted problems relating to the broadcast media's legal framework; the concentration of media ownership, particularly in broadcast media; the lack of an independent regulatory body; and deficiencies with regard to support for community radio. The Special Rapporteurs note continuing problems relating to diversity and pluralism, in particular in the following areas.

A. Media concentration and community radio

61. While according to the Organization for Economic Cooperation and Development, Mexico has achieved progress in the development of the broadcast and telecommunications markets, there remain problems relating to the concentration of media ownership that undermine the competition necessary for pluralism to thrive. According to information

received during the mission, Mexico remains among the countries with the highest level of media concentration, in broadcast, print and online media. Laws adopted since the 2010 mission have sought to address competition concerns. In particular, the Special Rapporteurs welcome the creation of the Federal Telecommunications Institute in 2013 — in compliance with the recommendations of their predecessors — which has begun to take steps to diversify access to the broadcast spectrum and broadband.

62. In the radio market, an estimated 70 per cent of privately operated radio stations are still owned by roughly 10 media conglomerates. Many are still said to be hostile to community stations that require access to the radio spectrum. Despite changes in legislation that required the Federal Telecommunications Institute to maintain and update public registries with relevant information on broadcast spectrum management, civil society organizations assert that information regarding media ownership is available only in formats that are difficult to use and understand, rendering it inaccessible. The Special Rapporteurs also learned that the Institute had ruled in March 2018 to reverse an earlier decision in which it found that one of the major broadcasting companies in Mexico had substantial market power over pay television and thus needed to be subject to specific regulations. The decision was reversed following a ruling of the Supreme Court that struck it down on procedural grounds. The Special Rapporteurs will continue to monitor the steps being taken by the Government to counter media concentration and promote media diversity.

63. While Mexico has been making efforts to expand access, there are significant gaps in community radio coverage. This is unfortunate, as community radio offers indigenous communities access to information that they would not otherwise obtain, particularly information that is tailored to them. Community radio enables the development of local means of sharing and disseminating information and, indeed, of local forms of professionalization. According to information received during the mission, only 4 of the 68 indigenous languages of Mexico are reflected in the radio broadcast licenses granted. Information from the Oaxaca indigenous community, for instance, suggested the existence of significant barriers to community radio development, including high fees for the use of the radio spectrum. For community radio stations that are run as a community service, rather than a commercial venture, such fees represent a barrier to their sustainability. The Special Rapporteurs heard from journalists in Guerrero about the difficulty in navigating the process for obtaining broadcast licenses and permissions, which involves costs that can be significant for poor communities. The Special Rapporteurs understand that only three licenses have been granted to indigenous radio stations since the adoption of legislation four years ago to expand availability.

64. Access to the Internet varies in terms of signal strength and reliability across the country, and yet widespread access throughout Mexican society is critical to the development of diversity online. The Federal Telecommunications Institute has made efforts to expand Internet access, but major barriers remain. For instance, in rural and indigenous communities, the lack of reliable broadband infrastructure often pushes people to use mobile wireless communication technology, which is slower and less reliable than fixed-line wireless access.

B. Government advertising

65. Proposed legislation to regulate official advertising was introduced in Congress in March 2018, following a landmark ruling by the Supreme Court. In a fast-track process the Senate passed the proposed legislation, which was signed into law by the President on 11 May 2018 without any changes.

66. The Special Rapporteurs are concerned that the new legislation fails to meet the basic principles and recommendations of international human rights bodies and experts. In particular, the law does not establish clear rules regarding its objectives, allocation criteria and procedures or oversight mechanisms, leaving a wide margin for government discretion and abuse. A 2012 Inter-American Commission on Human Rights report entitled "Principles on the regulation of government advertising and freedom of expression" found

that the establishment of specific, clear and precise laws was essential to preventing abuse and excessive spending. The Special Rapporteurs call on the Government of Mexico to amend the legislation according to these principles and best practices.

VIII. Recommendations

A. Safety of journalists

Prevention

67. **The Special Rapporteurs call on the authorities to:**

(a) **Compile and publish detailed and disaggregated statistics on attacks against journalists and human rights defenders, including data concerning the criminal prosecution of these crimes;**

(b) **Continue to recognize, at the highest levels of the State, the legitimacy and value of the work of journalists and condemn at all times crimes committed against them;**

(c) **Continue to provide appropriate training on the safety of journalists, including gender- and culturally-sensitive training, to relevant law enforcement officials and ensure that all their operation manuals and guidelines comply with international human rights legal standards on freedom of expression;**

(d) **Provide training to journalists who may be at risk of attack and work to incorporate the topic of journalist safety on the curriculum of journalism and communications schools;**

(e) **Ensure that the implementation of contingency plans in Chihuahua and Veracruz includes the effective participation of civil society, journalists and federal and state-level authorities, and guarantee the sustainability of these plans. Identify other regions and periods of particular risk for journalists, particularly in cases of social protest or political changes during elections, and adopt adequate measures or new contingency plans to prevent attacks;**

(f) **Adopt measures to prevent the repetition of crimes against journalists in Guerrero, Tamaulipas, Sinaloa and Veracruz, promote policies to restore public trust among journalists and trust between journalists and local authorities in such states, and regularly consult civil society.**

Protection

68. **The Special Rapporteurs call on the authorities to:**

(a) **Continue to strengthen the National Protection Mechanism for Human Rights Defenders and Journalists and ensure the effective implementation of its decisions and measures;**

(b) **Adopt legal reforms necessary to ensure effective cooperation and coordination between the federal and state levels, to protect journalists and human rights defenders. In the meantime, all states should have units up and running to coordinate and implement in a compelling manner the protection measures for journalists and human rights defenders established at the federal level. To ensure an adequate implementation of those protection measures, a system should be put in place that imposes administrative sanctions on public officials who disregard their duties and is accessible to the beneficiaries;**

(c) **Provide the National Protection Mechanism for Human Rights Defenders and Journalists with the necessary human and material resources to carry out its mandate. In particular, increase the number of risk analysts working within the Mechanism and the number of officers in charge of monitoring the implementation of measures. With adequate resourcing, the Mechanism should aim to**

place analysts on a more regular basis in states where the situation is most serious and urgent. Analysts and other officers who carry out field work should be provided with adequate working conditions and protection;

(d) Enhance the capacity of the Mechanism to monitor the situation of journalists who are beneficiaries of protection measures and critically assess the effectiveness of those measures. The Special Rapporteurs welcome the plan to carry out a diagnosis of the implementation of measures and stress the need to involve civil society in its design and evaluation. Particular attention should be given to the risks and threats experienced by displaced journalists and to including measures to ensure the safe return of journalists or, when that is unfeasible, their reintegration in new communities;

(e) Adopt all necessary measures to guarantee the transparency of the Mechanism, to ensure that its efficacy is open to oversight and to promote trust among stakeholders, subject to limitations narrowly defined for legitimate purposes, such as the protection of the privacy and safety of the affected individuals. The Mechanism should, at a minimum, be transparent about its legal framework, its rules and procedures, its risk assessment policies, its budget (allocated and spent) and all data necessary to monitor implementation.

Accountability

69. The Special Rapporteurs call on the authorities to:

(a) Implement the following substantive and sustainable measures to strengthen the capacity of the Office of the Special Prosecutor for Offences Committed against Freedom of Expression to address the structural situation of impunity in which crimes against journalists continue:

(i) Increase the Office's financing and ensure that its budget is allocated in accordance with its main obligation to investigate violations of freedom of expression. In particular, this should involve a significant increase in the number of investigators and police personnel under its jurisdiction;

(ii) Adopt a protocol that outlines the principles and legal obligations of those in charge of investigating crimes against freedom expression and sets a common standard for conducting prompt, diligent, independent and transparent investigations into such cases, consistent with international human rights standards and best practices and in consultation with civil society;

(iii) Establish clear, objective and transparent criteria for the Office's authority to carry out investigations into crimes against journalists that do not fall within its "original jurisdiction", in order to prevent the undermining of criminal investigations by unreasonable delays and confusion over jurisdiction;

(iv) Prioritize the investigation of a series of cases relating to journalists whose contribution was fundamental to their communities;

(v) Strengthen the capacity of investigators and prosecutors to handle criminal cases concerning violence against journalists and take them to court, including by establishing a programme with the participation of external experts aimed at advising and training the Office's investigators and designing plans for the investigation of priority cases of attacks against journalists committed on account of their exercise of the right to freedom of expression. With a view to ensuring accountability, follow-up measures should be adopted in cooperation with national and international actors, including United Nations and Inter-American Commission on Human Rights Special Rapporteurs and the Office of the United Nations High Commissioner for Human Rights;

(vi) Establish, within the Office, a witness protection programme that includes the protection of sources;

(vii) **Establish a gender focal point/unit or specialists on violence against women journalists and establish a training programme within the Office, focusing in particular on attacks suffered by women journalists;**

(viii) **Compile and publish detailed statistics regarding the activities of the Office, namely the number of investigators, its available budget, the number of cases under its jurisdiction, the type of crimes investigated, the status of the investigations, the types of suspected perpetrators and successful convictions.**

(b) **Ensure that the Office of the Special Prosecutor for Offences Committed against Freedom of Expression remains a specialized prosecutor's office within the organizational structure and autonomous framework of the new Office of the State Attorney General, and ensure its independence;**

(c) **Ensure that all investigations of crimes against journalists at the local level are carried out in a prompt, independent, impartial and transparent manner by specialized law enforcement officials that have received adequate training in international human rights legal principles and standards;**

(d) **Guarantee the application of appropriate sanctions against public officials who obstruct the investigation or prosecution of those responsible for crimes against journalists or other media actors;**

(e) **Ensure that judges and other law enforcement officials use a functional definition of journalism that is consistent with international human rights standards and case law. In particular, it is fundamental that judges should not decline to exercise their jurisdiction on the basis of a narrow understanding of the definition of journalist;**

(f) **Train members of the judiciary in international human rights norms and standards regarding freedom of expression and develop guidelines and protocols that strengthen their capacity to implement those standards in practice.**

Attention to victims

70. **The Special Rapporteurs call on the authorities to:**

(a) **Strengthen the capacities of the Executive Commission for Victim Support to guarantee comprehensive legal and psychosocial assistance for victims and their next of kin who have suffered crimes pertaining to violations against freedom of expression. When dealing with victims and family members, the Commission must take care to minimize any potential harm caused by its procedures to the mental well-being of those persons, and train its officials accordingly;**

(b) **Create a working group involving the Executive Commission for Victim Support, the Ministry of the Interior and the Office of the State Attorney General, with the participation of civil society, to ensure coordination and, in particular, to avoid confusion between within their separate mandates regarding victim assistance, protection and prosecution. Information regarding the roles and functions of each institution should be made available to victims in a clear manner so that they can address their cases to the corresponding authority.**

Journalists and media actors

71. **The Special Rapporteurs call on the authorities to:**

(a) **Establish networks to strengthen cooperation with the National Protection Mechanism for Human Rights Defenders and Journalists, to ensure the effective implementation of protection measures;**

(b) **Provide adequate training on security and self-protection to persons employing journalists, whether on a permanent or a freelance basis, ensuring adequate security equipment and insurance.**

B. Surveillance

72. **The Special Rapporteurs call on the authorities to:**

(a) **Conduct an independent investigation into the purchase and use of malware (including Pegasus) used to monitor journalists, activists and human rights defenders. That investigation should be conducted independently of the federal and state governments alleged to have purchased or used the spyware, and should involve experts from academic and civil society organizations, potentially including those from outside of Mexico. In the meantime, any ongoing investigation must respect the rights of the targets of surveillance, including their security and privacy;**

(b) **Establish a legal framework to protect people from arbitrary and/or clandestine interferences in their privacy, including the protection of journalistic sources according to relevant international standards. Guarantees and the judicial oversight of state agencies engaging in surveillance should be established, within the permissible limitations of a democratic society. Mexico should consider creating an independent body to effectively oversee the State's surveillance tasks.**

C. Access to information

73. **The Special Rapporteurs call on the authorities to continue to strengthen the framework for access to information, including by:**

(a) **Continuing to strengthen the capacities of the National Institute for Transparency, Access to Information and Personal Data Protection, and ensuring its autonomy, adequate budget and the effectiveness of its decisions;**

(b) **Guaranteeing access to public information for communities at risk, especially indigenous peoples;**

(c) **Facilitating access by victims and their representatives to judicial files relating to gross human rights violations, in line with international human rights law;**

(d) **Ensuring the pre-eminence of public interest in the classification of information involving human rights violations, corruption cases and public interest information, making sure that any data identifying the persons involved is not deleted in public versions;**

(e) **Ensuring that the classification of historical archives is based on the principle of maximum publicity and the right to truth, bearing in mind the "do no harm" principle.**

D. Government advertising

74. **The Special Rapporteurs call on the authorities to:**

(a) **In consultation with civil society and experts, amend the law regulating government advertising to ensure compliance with international human rights principles and standards. Official advertisement resources should be assigned according to established, clear, objective and transparent criteria;**

(b) **Enforce the legal obligation to proactively publish relevant information relating to the hiring criteria, the criteria for assigning government advertising budgets, the expenses and the advertisement contracts of public entities.**

E. Diversity and pluralism in the media

75. **The Special Rapporteurs call on the competent authorities to:**

(a) **Collect and make public all information necessary to identify the ownership of media outlets, and ensure that all information submitted to the national**

media and telecommunications registries is available to the public in accessible formats;

(b) Continue to establish policies to promote the diversity and pluralism of the media and enhance efforts to counter media concentration, particularly within broadcasting and pay television;

(c) Refrain from criminalizing the use of radio frequencies, as this would be an unnecessary and disproportionate restriction on freedom of expression. The Senate should consider this when debatingamendments currently being discussed in Congress relating to the federal law on telecommunications and broadcasting (art. 304) and the Federal Criminal Code (art. 172 ter);

(d) Adopt measures to expand access among indigenous peoples and in rural areas to community broadcasting, including by encouraging the development of community broadcasting and ensuring the necessary resources, and continue to increase access to broadband in areas that lack reliable access.

F. Legislative action

76. **The Special Rapporteurs call on the relevant authorities to:**

(a) Repeal the law on internal security in its current versionand initiate an open and comprehensive dialogue regarding the security model the country needs,reaffirming the role of civilian security agencies in addressing public security challenges. No law should be adopted that counters the powers given to authorities ensuring access to information, or standards relating to access to information relating to serious human rights violations;

(b) Repeal the 1917 law on print offences and amend state criminal codes in order to remove offences that are used to criminalize freedom of expression, and refrain from using other criminal law provisions to punish the lawful exercise of freedom of expression. Simultaneously amend state civil codes to ensure protection through civil proceedings, establishing limits and criteria relating to sanctions in accordance with international standards. The Ministry of the Interior and the National Protection Mechanism for Human Rights Defenders and Journalists should play a key role in this;

(c) Adopt legislation to protect sources and whistle-blowers. Involve civil society in the process and take into consideration the reports of the Special Rapporteurs on the matter.